



# BYLAWS

## Johnson County

### Emergency Management Commission

The following Bylaws shall establish and govern the operation of the Emergency Management Commission for Johnson County, Iowa.

#### ARTICLE I. NAME

SECTION 1. The official name of this administration shall be the Johnson County Emergency Management Commission (hereafter referred to as the Commission). The name used by the office of the Commission shall be Johnson County Emergency Management Agency (hereafter referred to as the Office of the Commission).

#### ARTICLE II. LEGAL STATUS

SECTION 1. This Commission shall be a joint undertaking of Johnson County and all its incorporated municipalities and is established, created and operates under the authority and with the powers set forth in the Federal Civil Defense Act of 1950 as amended, 44 CFR Part 302, Presidential Executive Order 12656 of November 18, 1988, National Security Directive #259 of 1988, Chapter 29C of the Code of Iowa, and the Iowa Administrative Code of the Iowa Administrative Emergency Management Division promulgated pursuant to Chapter 29C of the Code of Iowa, and all acts amendatory.

SECTION 2. It is the intention of the parties to this agreement that this Commission shall be a legal entity according to Code of Iowa, Chapter 29C, and shall be recorded with the Johnson County Recorder.

#### ARTICLE III. MEMBERSHIP

SECTION 1. The Commission shall be composed of a member of the Board of Supervisors or its appointed alternate, the Sheriff or the Sheriff's alternate, and the Mayor or the Mayor's alternate, for each city within the county. The Commission members shall be the operations liaison officers between their jurisdiction and the Commission. During the budget meetings only the elected officials for their jurisdiction and the Sheriff, may vote for purposes of the budget or any budget amendments.

SECTION 2. Any political jurisdiction not participating as an active member of the Commission or not sharing in the costs of establishing and maintaining the Commission and its agency is still considered a defacto member of the Commission subject to the liabilities and obligations of the Commission and if ever litigation may be brought against the Commission.



#### ARTICLE IV. OPERATION

- SECTION 1. Commencement: Commencement of operations shall be perpetual in recognition of continued operations since original resolution forming a Civil Defense Organization in Johnson County on 11/21/1988.
- SECTION 2. Duration: The duration and existence of this Commission shall be perpetual or until provision for termination is provided by the Code of Iowa and acted upon by this Commission.
- SECTION 3. Dissolution: The Commission shall not be dissolved by any action other than that caused by changes in federal and state laws dissolving or significantly reorganizing the organization, structure and operational process of emergency management. Upon dissolution of this administration, all assets of the Commission shall be liquidated and distributed according to the decisions and/or recommendations of the Commission.
- SECTION 4. Severability: Invalidation of any provision or application of these bylaws shall not affect other provisions or applications.

#### ARTICLE V. PURPOSE

- SECTION 1. The Commission is established for the protection of lives and property in time of emergency, and for providing planning and coordination of Emergency Management services for Johnson County and its municipalities.
- SECTION 2. Paid and volunteer emergency response units are formed and trained under the direction and control of the jurisdictions to which they respond. The Commission promotes and coordinates cooperative agreements for mutual aid among these units and among municipalities throughout Johnson County and may have special teams created under the Commission with response duties.
- SECTION 3. The Commission promotes emergency management preparedness programs among emergency response agencies and communities within Johnson County, both public and private.
- SECTION 4. The Commission appoints an Emergency Management Coordinator to act as agent of the Commission to develop and maintain a county-wide emergency management program including comprehensive hazard identification, capability assessments and planning for all hazards disasters affecting this county as outlined in Iowa Code 29C and whom is the agency Director for the Commission.

#### ARTICLE VI. COMMISSION POWERS AND DUTIES

- SECTION 1. Powers: The Commission shall have those powers set out in the Federal Civil Defense Act of 1950 as amended, 44 CFR Part 302, Presidential Executive Order 12656 of November 18, 1988, National Security Directive #259 of 1988, Chapter 29C of the Code of Iowa and the provision of the Iowa Administrative Code promulgated pursuant to Chapter 29C of the Iowa Code that are necessary to carry out the guiding purpose and specific duties of the emergency management program, including risk management and crisis management as developed within limitations of the mitigation, preparedness, response and recovery emergency management concepts, as set forth in Chapter 29C of the Code of Iowa and Section 2 of this Article.





SECTION 2.

Duties: The Commission shall provide the county and its cities with an emergency management program that follows accepted standards of excellence. An agency of the Commission shall be established and staffed adequately to fulfill these duties.

During both emergency and non-emergency periods, the Commission membership shall provide guidance and policies concerning the development of readiness for operating in emergencies as outlined below:

1. Maintain an Emergency Operations Center (EOC) and facility, a protected site from which key officials coordinate emergency operations for emergencies within the County and authorize the Chairperson or Vice Chairperson and the EMA Coordinator to sign an emergency disaster declaration during times of emergency, public health emergency or upon other disaster without a quorum and waives the 24 hour public notice requirement.
2. Develop and maintain EOC staffing and internal procedures to permit key executives to conduct coordinated operations in emergencies and disasters.
3. Arranging for exercises to give key officials practice in directing coordinated operations under simulated emergency conditions.
4. Providing knowledge and advice to operating departments on special conditions and operating requirements that would be imposed by disasters (e.g., effects of tornadoes, blizzards, floods, or hazardous materials incidents).
5. Coordinating and leading development of local government emergency operations plans, outlining which local resources and supporting organizations are available during disasters, emergencies or planned mass gathering events and for coordinating local organization utilized during these events.
6. Establishing and maintaining a system to warn the public of disasters or emergencies.
7. Establishing a system to alert key government officials.
8. Organizing a hazardous materials monitoring and analysis system, including procurement of instruments and training and exercising of personnel to include operation of the Countywide Haz Mat Team.
9. Coordinating and advising on emergency communications planning, operations, and exercising of emergency communications systems.
10. Coordinating with public and private sectors to develop emergency plans and capabilities as part of local emergency plans.
11. Establishing and maintaining a local shelter system in cooperation with the American Red Cross and the Salvation Army.
12. Establishing, training and exercising the emergency public information system to get advice and information to the public before, during and after disasters (including establishing relationships with local news media: radio, TV, and newspapers).
13. Coordinating with local human services offices, Public Health, EMS, Hospitals, the County Medical Examiner's office, Public Works, Fire, Law Enforcement, Schools, the Academic community, the American Red Cross, United Way, Salvation Army and other voluntary groups/ Community Organizations Active in Disaster, to develop emergency capabilities and plans for disaster responses.
14. Coordinating and maintaining relationships with industry to develop emergency plans and capabilities related to local government emergency plans and to coordinate the local emergency planning committee (LEPC).



15. Assisting local operating departments (e.g., fire, police, and public works) with hazardous materials, disasters and other special training needs.
16. Coordinating and participating in training programs for the public on disaster preparedness.
17. Preparing, submitting, and justifying annual emergency management commission budgets.
18. Securing-matching funds, grants and other assistance available through state and federal programs for use by the commission to carry out its missions.
19. Coordination of resource management within political jurisdictions throughout the county and with other state and federal agencies during disasters or special event response operations and waive the agencies standard procurement processes during a declared disaster or public health emergency for the duration of the emergency or disaster to include allowing for exigent and emergent procurement process waivers allowed under FEMA for Stafford Act Disasters and Public Health Emergencies.
20. Provide for procedures to coordinate Federal Disaster Assistance programs with regard to disaster aid for the public and private sector.
21. Provide for any other emergency operations deemed necessary by the state, county and city governments, which are within the policy and scope of the Commission's responsibility as judged by the Commission.
22. Provide for mutual use of resources (personnel, facilities, equipment) between political jurisdictions within Johnson County and other counties in Iowa, to include IMAC, 28E or general mutual aid requests for assistance.
23. To coordinate readiness, response and exercise activities in support of agencies such as the local Amateur Radio Relay League, Amateur Radio Emergency Services team, Community Emergency Response Team and Medical Reserve Corps teams as well as the County Haz Mat Team, Water Rescue/Boat program, Dive Team, County Rescue 52 program, Johnson County Metro Bomb Squad and other specialty teams that are of a Countywide service.
24. To work with private sector groups such as the Chamber of Commerce, Safeguard Iowa Partnership and United Way on readiness and response issues within Johnson County.
25. To work with all COAD and Animal services groups on readiness and response activities.

#### ARTICLE VII. FINANCE

SECTION 1. The Commission shall determine a method to apportion the costs of establishing and operating the agency among its membership. The Commission may request the County Board of Supervisors and each municipality to provide in their budgets for their apportioned share of the budget of this Commission. The Johnson County EMA Commission budget is funded by the following means: a general supplemental block grant levied Countywide, various state and federal grant funds, Duane Arnold Energy Center preparedness funds, a per capita hazardous materials surcharge and with fees charged for hazardous materials responses and a general supplemental levee for support of the Joint Emergency Communications Service Association which operates the consolidated 911 center for Johnson County through the EMA Commission's budget.

SECTION 2. The Commission or the Coordinator/Director may enter into contracts and make expenditures for services, administration, or planning in order to carry out the purposes of this agreement. The EMA Coordinator/Director will carry out the day to day operations on behalf of the Commission and the EMA Commission Chair or Vice Chair when the Chair is unavailable.





SECTION 3. The Commission or the Coordinator/Director may cooperate with, contract with, and accept and expend funds from federal, state, or local associations, public or semi-public corporations or private individuals for emergency management projects and activities consistent with federal, state, and local laws and these bylaws.

SECTION 4. The County Board of Supervisors shall establish in the office of the County Treasurer a Joint Emergency Management Commission Fund. The fund shall be for the purpose of paying expenses relating to all emergency management matters of the Commission and its agency.

1. All funds in the Commission account remaining at the end of the fiscal year shall carry over into the next fiscal year either as reserve funds, encumbered funds or for general expenditure.
2. Any reimbursement, matching funds, or money received from the sale of property obtained through the surplus property program, or monies obtained from any source whatever in connection with the emergency management program shall be deposited in the Joint Emergency Management Commission fund.
3. Withdrawals of money for the Joint Emergency Management Commission or its agency shall be made on checks drawn by the county auditor and supported by claims signed by the Chair of the Commission, or the Coordinator/Director.

SECTION 5. During the third quarter of each fiscal year, the Coordinator/Director and the Commission shall develop a budget for the Commission and its agency for the ensuing fiscal year and shall propose and adopt a budget no later than February 28<sup>th</sup> of each year. During this meeting only elected officials may vote on the budget as per Iowa Code 29C.

#### ARTICLE VIII. RULES OF CONDUCT

SECTION 1. Procedural rules: Other than those rules stated in this document, the business meetings of the Commission shall be governed by Robert's Rules of Order, Newly Revised insofar as possible.

SECTION 2. Officers: The Commission shall elect, each year from its membership, a Chair and Vice-Chair to serve for a period of one (1) year, however there are no term limits and both the chair and vice chair must be an elected official and may not be a non elected alternate.

SECTION 3. Secretary: The Coordinator shall serve as secretary to the Commission and shall be responsible for records, minutes, documents, and all other matters pertaining to the operation of the business meetings. The Coordinator may delegate these duties to other personnel as appropriate.

SECTION 4. Meetings: The Commission shall meet not less than twice a year to elect officers, consider and adopt a budget, and carry on the business of the Commission. The Commission shall also meet when called by the Chair, Vice-Chair or EMA Coordinator/Director.

SECTION 5. The Commission may employ such employees, staff, and firms or consultants as it may deem necessary to carry out the purpose of this agreement and for which it has arranged funding.

SECTION 6. Voting and Quorum: Each participating member (as defined in Article III of these Bylaws) shall be entitled to one vote. Non-participating members shall not be entitled to a vote. A quorum shall consist of a simple majority of all participating members of the Commission. A simple majority of the quorum present shall be sufficient to pass all motions, resolutions, or other matters proposed. There will be no voting by proxy and representatives shall be designated in writing and in advance by each member. Meetings may be attended either in person, via teleconference, via video conference or via web meeting. All meetings shall be audio recorded for the purpose of producing accurate meeting minutes. Adopted meeting minutes will be published on the agency



website. All Iowa open meeting laws will be complied with regarding the postings of agendas and meeting minutes. Audio files will be kept one year. No video recordings are conducted. The EMA website shall have all meeting minutes and agendas posted for at least one year online. At the annual budget meetings and for budget amendments, only elected officials may vote on the budget or amendment. Since the Sheriff has no elected alternates within the Office of the Sheriff, the Sheriff may not send an alternate to those meetings. All other municipalities shall be represented at the budget meetings by only an elected official. At all other meetings that do not include action on either the budget or on a budget amendment, a non elected alternate may be sent and may vote for their municipality.

SECTION 7. Amendments: The terms of these bylaws may be amended by a majority vote of the Commission, at any regular meeting provided that, under the Chair's authority and at least one (1) calendar month prior to the meeting, each individual member shall have been mailed or emailed a copy the proposed amendment.

#### ARTICLE IX. EMPLOYMENT PRACTICES

SECTION 1. The Chair and/or Vice Chair of the Commission on a day-to-day basis will supervise the position of Coordinator. Formal action on appointing, hiring, discipline, termination and annual performance evaluations require a majority vote of the quorum present. An executive group of the Chair, Vice Chair and one more elected member of the commission shall meet no less than once a year to do the annual performance review of the Coordinator and shall report back to the full commission on the outcome of the review and on any recommendations for pay raises or other actions.

SECTION 2. The Coordinator will supervise any and all other position(s) within the Emergency Management Agency and will conduct those subordinate employee reviews no less than annually. Formal action on appointing, hiring, or termination requires the approval of the Chair and Vice-Chair but not the full Commission.

SECTION 3. All positions within the Johnson County Emergency Management Agency are employees of the Commission. The administrative offices of Johnson County facilitate the administration of the Commission employee salaries and benefits as well as process the accounts payable and claims processes for the Commission and the Agency. The salary and benefit structures will generally parallel those of Johnson County. Except when otherwise adopted by the EMA Commission, the Human resource practices of Johnson County will be followed for Agency employees. The Commission and Agency will provide insurance for equipment and assets purchased by the Commission or Agency. Liability insurance for Commission members shall also be maintained by the Agency for its employees and the Commission members. The EMA Coordinator / Director may hire temporary contract employees that are reimbursable under a disaster declaration during times of a declared disaster for the period of the declared disaster at the rate consistent with FEMA reimbursement for the contractors' position.





ARTICLE X. JOINT EMERGENCY RESPONSE COMMISSION SERVICES UNDER 28E.

SECTION 1. Emergency Management Levy: The Johnson County Emergency Management Commission hereby delegates its powers as it relates to operations and budgeting for the Joint Emergency Communications Center (JECC) to the Joint Emergency Communications Services Association (JECSA) with respect to the provision of joint emergency response communications services. The budget adopted by JECSA and its Policy Board shall be included in the budget for EMA that is adopted annually. For matters not relating to the JECSA budget or budget amendment(s), the EMA Coordinator will represent the EMA Commission on the JECSA Policy Board. For matters related to the JECSA/JECC budget, then the Elected Chairperson of the EMA Commission, or the Vice Chairperson if the Chairperson is unavailable, shall represent the EMA Commission to vote on the JECSA/JECC budget and any amendments. The revenue for the JECC budget shall pass through EMA to JECC in no less than four quarterly payments. The Commission may not modify the adopted JECSA/JECC budget in anyway once the JECSA policy board adopts it. The Johnson County Emergency Management Commission shall submit to the Johnson County Board of Supervisors a budget that includes the budget adopted by the JECC. Johnson County Emergency Management Commission agrees to certify the emergency management levy necessary to fund the operations of the JECC as determined by the budget adopted by the JECSA policy board. The Johnson County Emergency Management Commission shall transfer to the JECC that portion of the emergency management levy budgeted for emergency communications services listed in the JECC adopted budget. The Johnson County Emergency Management Commission acknowledges that it retains no independent authority over the emergency management levy funds delegated herein for the purpose of JECSA and the JECC.

These bylaws are hereby adopted by a majority vote of the Johnson County Emergency Management Commission, and Joint Administration under Chapter 29C, Code of Iowa, as of this DATE:

Day of Month and Year. 6TH DAY OF MAY 2020

ATTEST: Members of the Commission: Sheriff, Mayors, and Board of Supervisors.

Tim KEMP, Mayor, City of HILLS, IOWA.

Chairperson, Johnson County Emergency Management Commission

John A. Ladd  
City of Coralville, Iowa

Alan Thomas  
City of Iowa City, Iowa

Art Sesto  
City of Lone Tree, Iowa

Benny Jenn  
City of Oxford, Iowa

[Signature]  
City of Solon, Iowa

[Signature]  
City of Tiffin, Iowa

Tommy J. Palkovich  
Sheriff, Johnson County, Iowa

Tim Kemp  
City of Hills, Iowa

Rod Sullivan  
Johnson County Board of Supervisors

[Signature]  
City of North Liberty, Iowa

Mickey Coopere  
City of Shucyville, Iowa

[Signature]  
City of Swisher, Iowa

Louise A. From  
City of University Heights, Iowa